

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CRIMINAL NO. 3:12-897 (CMC)
)	
v.)	OPINION and ORDER
)	
Eddie Wilbert Mobley,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's Motion, titled as a Supplemental Response and Jackson Motion. ECF No. 284. Due to the timing of the previous Order and the receipt of this filing, the court is unable to determine whether this filing is in response to the Order dismissing Defendant's motion under 28 U.S.C. § 2255, or was sent before the Defendant's receipt of this Order (ECF No. 281). However, the court will give Defendant the benefit of the doubt and treat this submission as a motion for reconsideration of the court's order; otherwise, the time for response has passed.

As explained by the court in its previous Order, Defendant's § 2255 motion was not filed within the statutory time limitation. ECF No. 281. Further, his claim of ineffective assistance of counsel failed on the merits, as the court fully considered Defendant's mental capacity at the time of his plea and sentencing. *Id.*

To the extent that this filing is a motion to reconsider, Defendant provides no grounds by which the court could reconsider its Order. Therefore, the previous Order regarding Defendant's 2255 motion stands.

To the extent that this motion asks the court to order Defendant housed in a mental health facility, the court has no authority to fulfill this request. Where inmates are housed is the province

of the Bureau of Prisons. Further, the court cannot modify Defendant's sentence to order that he be civilly committed. Rule 35(a) of the Federal Rules of Criminal Procedure permits a court to "correct a sentence that resulted from arithmetical, technical, or other clear error" within fourteen days after the oral announcement of the sentence. *See* Rules 35(a) and (c), Fed.R.Crim.P. The sentence was orally announced on July 10, 2013, and, accordingly, the deadline for any action by the court on a Rule 35(a) motion has passed. Therefore, the court is without jurisdiction to act upon Defendant's motion in this regard.

Defendant's motion is therefore **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
March 7, 2016